

IN THE SUPREME COURT OF THE STATE OF DELAWARE

DURWIN G. HARMON,	§
	§
Defendant Below-	§ No. 367, 2010
Appellant,	§
	§
v.	§ Court Below—Superior Court
	§ of the State of Delaware,
STATE OF DELAWARE,	§ in and for New Castle County
	§ Cr. ID 84000200DI
Plaintiff Below-	§
Appellee.	§

Submitted: July 30, 2010
Decided: August 30, 2010

Before **HOLLAND, BERGER**, and **JACOBS**, Justices.

ORDER

This 30th day of August 2010, after careful consideration of appellant's opening brief and the State's motion to affirm, we find it manifest that the judgment below should be affirmed on the basis of the Superior Court's well-reasoned decision dated May 20, 2010. The Superior Court did not err in concluding that appellant's third motion for postconviction relief was untimely and procedurally barred and that appellant had failed to overcome the procedural hurdles.

NOW, THEREFORE, IT IS ORDERED that the judgment of the Superior Court is AFFIRMED.

BY THE COURT:

/s/ Carolyn Berger
Justice